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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott P. Zimmerman, PLLC
P. O. Box 3822
Cary,, NC 27519

EXAMINER

SHELTON, BRIAN K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,905	Applicant(s) STEADING ET AL.	
	Examiner Brian Shelton	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3, 5, 8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the Application filed 27 December 2000.
2. The Application has been examined. Original claims 1-29 are pending. The objections and rejections cited are as stated below:

Specification

3. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words, as set forth in 37 C.F.R. 1.72(b). Correction is required. See MPEP § 608.01(b).

Claim Objections

4. **Claim 12** is objected to because of the following informalities:

In claim 12, line 1, "the processor" should be changed to --a processor— because no such element is disclosed in claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-3 and 8-9** are rejected under 35 U.S.C. 102(e) as being anticipated by

Knudson et al. (Knudson), U.S. Patent No. 6,016,141.

Regarding **claim 1**, Knudson discloses a method for allowing programming providers to offer subscribers one or multiple programming events (Fig. 6), comprising:

- a) associating at least two events to create a package for offering to subscribers (col. 5, lines 11-16; see col. 6, lines 4-20);
- b) displaying to the subscribers information concerning:
 - 1) the package (see Fig. 7 [pricing and content information for sports package]; col. 7, lines 8-18); and
 - 2) upon selection by the subscriber, at least one of the at least two events comprising the package (see Fig. 8 [pricing information for individual purchase of single event in the program package]; col. 7, lines 30-47).

As for **claim 2**, Knudson discloses the association step comprises combining events that are related by content, time, channel, or source (col. 6,

lines 4-14 [swimming events (i.e., same content); see col. 5, lines 52-60
[package comprising multiple movie channels]; see also col. 6, lines 21-34).

As for **claim 3**, Knudson discloses the displaying step comprises providing a program guide and a navigator (Figs. **2**, **7** and **8**) by which subscribers can access information of interest within the program guide (col. 4, lines 23-65).

Regarding **claim 8**, Knudson discloses a method for offering users additional programming information concerning events of interest (see Fig. **6**), comprising:

- a) associating an electronic programming guide ("EPG") with a display device or set top box ("STB") (Fig. **2**; col. 3, lines 31-35 [user television equipment]; col. 4, lines 22-65 [EPG operation at user television equipment])
- b) providing the EPG programming data (col. 4, line 66 – col. 5, line 16 [package data provided the user from program database]);
- c) allowing the user to command the EPG selectively to display: individual events of interest; packages of interest; or individual events making up packages of interest (Figs **7** and **8**; col. 7, lines 8-18 and col. 7, lines 30-47)).

As for **claim 9**, Knudson discloses the providing the EPG programming data further comprises providing information selected from the group consisting of: pricing, content and scheduling information (see Fig. 8 [pricing information for individual purchase of single event in the program package]; col. 7, lines 30-47 [pricing and starting time; listing events within package]).

7. **Claims 21-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (Ellis '240), U.S. Patent No. 6,604,240.

Regarding **claim 21**, Ellis '240 discloses a method for presenting and allowing viewing of an EPG that displays programming packages comprising two or more programming events (Figs. 3 and 11; col. 5, lines 25-38), the method comprising:

- a) viewing an EPG that comprises programming information associated with programming packages (Fig. 11, col. 7, lines 16-21);
- b) selecting a programming package by toggling a key on a remote control (Fig. 1, remote control 40) device to thereby highlight the selected programming package (col. 3, lines 65-67 and col. 56-61 [describing remote control operation of set top box]; col. 7, lines 21-24 [highlighting selected package and pressing 'info']); and
- c) toggling a key ('info' key) on a remote control device to cause the EPG to display a second view that at least includes programming information

associated with at least a first event comprising the selected programming package (col. 7, lines 22-24).

As for **claim 22**, Ellis '240 discloses remotely causing the EPG to display additional information concerning a selected programming event (col. 7, lines 21-24 [highlighting selected package and pressing 'info']; col. 3, lines 65-67 and col. 56-61 [describing remote control operation of set top box]).

As for **claim 23**, Ellis '240 discloses remotely selecting a second programming package (col. 7, lines 16-26 [selection among a plurality of programming packages]).

As for **claim 24**, Ellis '240 discloses remotely allowing the purchase of a package (col. 7, lines 24-26 [directing subscriber to ordering menu]; see col. 6, lines 6-19 [detailing ordering menu operation]).

As for **claim 25**, Ellis '240 discloses selecting the programming to be purchased using a key on the remote control (see col. 6, lines 6-19 [detailing ordering menu operation]).

As for **claim 26**, Ellis '240 discloses communicating to a content provider that the programming is being purchased (col. 4, lines 18-26).

As for **claim 27**, Ellis '240 discloses pressing a button on the remote control which causes a signal to be sent to the content provider (col. 6, lines 6-19 [user pressing 'OK' button on remote to purchase programming]; col. 4, lines 18-26 [transmission of ordering information to provider]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (Knudson), U.S. Patent No. 6,016,141 in view Ellis et al. (Ellis '367), U.S. Patent No. 6,732,367.

As for **claim 4**, Knudson fails to disclose initially showing packages so that only channel and time information are displayed, as claimed.

However, Ellis '367, in an analogous art, teaches initially displaying packages wherein only the channel and time information for the package is displayed (Fig. 11; col. 9, lines 47-55) for the benefit of blocking objectionable listings of individual events from being displayed to unauthorized users (e.g., minors).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson to incorporate initially showing packages so that only the channel and time information concerning the package are displayed, as taught by Ellis '367, for the benefit of blocking objectionable listings of individual events from being displayed to unauthorized users in a method for providing programming to users.

The limitation of **claim 5** is encompassed by the teachings of Knudson in view of Ellis '367, as discussed above relative to claim 4. Specifically, Ellis '367 teaches expanding the display to include the channel and time information concerning at least one of the events comprising the package (col. 9, line 62 – col. 10, line 15 [providing detail upon entry of parental control code]).

10. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (Knudson), U.S. Patent No. 6,016,141 in view of Ellis et al. (Ellis '240), U.S. Patent No. 6,604,240.

As for **claim 6**, Knudson fails to disclose displaying to the subscribers information concerning packages in a collapsed mode, as claimed.

However, Ellis '240, in an analogous art, teaches displaying information to subscribers concerning packages where only the time information concerning programming packages is displayed (Fig. 11; col. 7, lines 16-22 [listing available

packages and when packages will air]) for the benefit of providing a simplified view of available programming packages.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson to incorporate displaying information to subscribers concerning packages where only the time information concerning the programming package is displayed, as taught by Ellis '240, for the benefit of providing a simplified view of available programming packages in a method for providing programming to users.

The limitation of **claim 7** is encompassed by the teachings of Knudson in view of Ellis '240, as discussed above relative to claim 6. Specifically, Ellis '240 further discloses an expanded display mode in which in which information concerning individual events within a package (i.e., group of special events) is displayed in an expanded display mode in which the time and channel information concerning the events are displayed (Fig. 8; col. 6, lines 28-40) for the benefit of providing individual information for each event within a group.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Knudson in view of Ellis '240 to include an expanded display mode in which the time and channel information concerning the events are displayed, as further taught by Ellis '240, for the benefit of providing individual information for each event within a group in a method for providing programming to users.

11. **Claims 10-19 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (Ellis '240), U.S. Patent No. 6,604,240 in view of Knudson et al. (Knudson), U.S. Patent No. 6,016,141.

Regarding **claim 10**, Ellis '240 discloses an electronic programming guide ("EPG") (Fig. 3) deployed on an STB or display device (Fig. 1, set top 34) for displaying to users information concerning programming (col. 3, line 63 – col. 4, line 8), the EPG comprising:

- a) a screen showing at least two products for selection by the user, wherein at least a first product comprises two or more separate programming events (Fig. 11, col. 7, lines 16-21 [listing of pay per view packages]); and
- b) a control (Fig. 1, remote control 40) for allowing the user to select the first product and display additional information (col. 3, lines 65-67 and col. 56-61 [describing remote control operation of set top box]; col. 7, lines 21-26 [additional information on selected package]).

Although Ellis '240 discloses displaying additional information of a selected programming package (col. 7, lines 22-24), Ellis '240 fails to specifically disclose describing each of the programming events.

However, Knudson, in an analogous art, discloses displaying additional information describing each of the programming events (Fig. 7, col. 7, lines 12-15). Describing each of the elements of a package (e.g., programming group)

provides the typical benefit of providing a user with additional detail in order encourage a purchasing decision.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Ellis '240 to incorporate describing each of the programming events, as taught by Knudson, for the typical benefit of providing a user with additional detail in order to encourage a purchasing decision in an electronic programming guide.

The limitation of **claim 11** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 10. Specifically, Ellis '240 discloses the control is a remote control (col. 3, lines 65-67 and col. 56-61).

The limitation of **claim 12** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 10. Specifically, Ellis '240 discloses a processor (microprocessor of set top **34**; see col. 4, lines 1-6) is adapted to receive a command to cause the screen to show package information in a collapsed mode in which only limited scheduling information concerning the package's events are shown to the subscriber (Fig. **11**, col. 7, lines 16-21 [listing title and date of package]).

The limitation of **claim 13** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 12. Specifically, Ellis '240

discloses the processor implements a zoom mode (e.g., display of additional information) in which the subscriber may access additional information describing at least one of the two programming events within the package (col. 7, lines 21-26).

As for **claim 14**, the combination of Ellis '240 in view of Knudson is relied upon as discussed above relative to claim 12. Knudson further discloses the processor is programmed to autotune at least one of the two programming events within the package (Fig. 10, col. 8, lines 3-5 [autotune reminder]; col. 8, lines 25-44 [reminder operation in package programming]). Autotuning to a program provides the typical benefit of simplifying the viewing experience by eliminating the requirement of manually selecting the corresponding channel at the time of viewing.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combined system of Ellis '240 in view of Knudson to include the processor is programmed to autotune at least one of the two programming events within the package, as further taught by Knudson, for the typical benefit of simplifying the viewing experience by eliminating the requirement of manually selecting the corresponding channel at the time of viewing.

Regarding **claim 15**, Ellis '240 discloses a method for organizing and presenting program information within a guide that is accessible by a subscriber who can thereby select programs of interest (Fig. 3; col. 5, lines 25-38), the method comprising:

- a) displaying a product wrapper comprising at least two programming events and programming information associated with the package (Fig. 11, col. 7, lines 16-21);
- b) allowing the subscriber to call up programming information associated with the event forming the package (col. 7, lines 21-24 [highlighting selected package and pressing 'info']); and
- c) allowing the subscriber to purchase the package (col. 7, lines 24-26 [directing subscriber to ordering menu]; see col. 6, lines 6-19 [detailing ordering menu operation]).

Although Ellis '240 discloses displaying additional information of a selected programming package (col. 7, lines 21-24), Ellis '240 fails to specifically disclose calling up programming information associated with each of the programming events forming the package.

However, Knudson, in an analogous art, discloses calling up additional information associated with each of the programming events (Fig. 7, col. 7, lines 12-15). Describing each of the elements of a package (e.g., programming group) provides the typical benefit of providing a user with additional detail in order encourage a purchasing decision.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Ellis '240 to incorporate programming information associated with each of the events forming the package, as taught by Knudson, for the typical benefit of providing a user with additional detail in order to encourage a purchasing decision in an electronic programming guide.

The limitation of **claim 16** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 15. Specifically, Knudson discloses displaying to the subscriber information selected from the group consisting of pricing, content and scheduling (see Fig. 8 [pricing information for individual purchase of single event in the program package]; col. 7, lines 30-47 [pricing and starting time; listing events within package]).

The limitation of **claim 17** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 15. Specifically, Ellis '240 discloses selecting whether a package or event is being purchased (col. 7, lines 24-26 [directing subscriber to ordering menu]; see col. 6, lines 6-19 [detailing ordering menu operation]).

The limitation of **claim 18** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 17. Specifically, Ellis '240

discloses selecting comprises using a remote control to highlight the package and communicating to a content provider that the package is being purchased (col. 7, lines 24-26 [directing subscriber to ordering menu]; see col. 6, lines 6-19 [detailing ordering menu operation]; col. 4, lines 18-26 [communication to content provider]).

The limitation of **claim 19** is encompassed by the teachings of Ellis '240 in view of Knudson, as discussed above relative to claim 17. Specifically, Ellis '240 discloses expanding the display to show additional information of a selected programming package (col. 7, lines 21-24); highlighting at least one event (col. 5, line 58-col. 6, line 5); and communicating to a content provider that the at least one event is being purchased (col. 4, lines 18-26). Knudson teaches displaying additional information including individually showing the events forming the package (Knudson at col. 7, lines 12-15; Fig. 7).

As for **claim 29**, although Ellis '240 discloses displaying additional information of a selected programming package (col. 7, lines 22-24), Ellis '240 fails to specifically disclose expanding the display to include information selected from the group of pricing, content, and scheduling data.

However, Knudson, in an analogous art, teaches expanding an EPG display to include information on pricing, content, and scheduling data (see Fig. 8 [pricing information for individual purchase of single event in the program

package]; col. 7, lines 30-47 [pricing and starting time; listing events within package). Providing the user with detailed information on the contents of a packages (i.e., pricing, content, schedule) provides the typical benefit of providing a user with additional detail in order encourage a purchasing decision.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the EPG of Ellis '240 to incorporate expanding the display to include information selected from the group of pricing, content, and scheduling data, as taught by Knudson, for the benefit of providing a user with additional detail in order to encourage a purchasing decision.

12. **Claims 20** is rejected 35 U.S.C 103(a) as being unpatentable over Ellis et al. (Ellis '240), U.S. Patent No. 6,604,240 in view of Knudson, as applied to claims 17, further in view of Candelore, U.S. Patent No. 6,057,872.

As for **claim 20**, although Ellis '240 in view of Knudson discloses pay per view programming, the combination fails to specifically disclose billing the subscriber, as claimed.

However, Candelore, in an analogous art, teaches billing the subscriber for the purchased programming (col. 8, lines 55-63 and col. 10, lines 29-39). Billing a subscriber for a programming purchase has the typical benefit of generating revenue for a programming provider.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ellis '240 in view of Knudson to incorporate billing the subscriber for the purchased programming, as taught by Candelore, for the typical benefit of generating revenue for the programming provider in a system for distributing programming.

13. **Claims 28** is rejected 35 U.S.C 103(a) as being unpatentable over Ellis et al. (Ellis '240), U.S. Patent No. 6,604,240 in view of Candelore, U.S. Patent No. 6,057,872.

As for **claim 28**, although Ellis '240 discloses pay per view programming, it fails to specifically disclose billing the subscriber, as claimed.

However, Candelore, in an analogous art, teaches billing the subscriber for the purchased programming (col. 8, lines 55-63 and col. 10, lines 29-39). Billing a subscriber for a programming purchase has the typical benefit of generating revenue for a programming provider.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ellis '240 to incorporate billing the subscriber for the purchased programming, as taught by Candelore, for the typical benefit of generating revenue for the programming provider in a system for distributing programming.

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaRocca et al. (LaRocca), U.S. Patent No. 6,314,572 discloses providing a user with programming packages wherein the user may select from programs within the package via a navigator interface (Figs. 5-9; abstract; col. 9, line 31 – col. 13, line 15).

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Shelton whose telephone number is (703) 305-8714. The examiner can normally be reached on Monday-Friday, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Shelton
Examiner
Art Unit 2611

BS



CHRIS GRANT
PRIMARY EXAMINER